

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, August 7, 2013

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chair

Bobby Joe Harris

Michael Januario

Jack King (arrives 9:06am)

Quinlan T. Regan (exits 9:46am)

Charles Wright

Robert Eva, Fred Foeri and Steven Gray were not in attendance.

**Also in attendance were Nick Ranone, Chief Mechanical Investigator;
and Angelyne E. Cooper, Legal Counsel.**

**1. – Call to Order: Stanley Davies called the meeting to order at
9:05am.**

2. – Minutes of June 24, 2013 meeting: Motion was made by Tim Byrne to accept the minutes of the June 24, 2013 meeting, seconded by Charles Wright and passed unanimously by the Board.

3. – Conflict of Interest: Angelyne E. Cooper, Legal Counsel, addressed the Board reminding the board members that they are subject to RI conflict of interest laws. If a member has a conflict they need to recuse themselves from hearing the matter and voting. There is discussion.

Jack King arrives at 9:06am.

Ron D'Ambruoso, Administrator, addressed the Board informing board members of training to be held on September 30, 2013 for all board members, especially new board members on meeting protocol in conducting a meeting and ethics. The Department encourages attendance.

4. – HEARINGS:

Michael Jean – MJ Heating & Air Conditioning – Violation 4462:

Michael Jean does not appear. There is no representative present from MJ Heating & Air Conditioning. Board member, Charles Wright, notes that the respondent did not appear at previously scheduled hearings.

Charles Wright made a motion to conduct the hearing without respondent present; seconded by Tim Byrne and passed unanimously by the Board. The hearing continues.

Nicholas Ranone reads the violation.

Violation written: 12/7/2012; Violation Number 4462

Name of Violator: Michael Jean, MJ Heating & Air Conditioning, 67 Wilbur St, Apt 1, Fall River, MA 02724

LOCATION OF VIOLATION: Former Eclipse Building - 240 Bald Hill Rd., Warwick, RI 02886

VIOLATIONS: RIGL 28-27-5 Practices for which master or contractor license required.

RIGL 28-27-5.1 Practices for which a journey person or apprentice license required.

RIGL 28-27-20 State and municipal inspections and installation permits.

On 11-29-2012, Michael Jean (MJ Heating and Air Conditioning)

contracted for and did have two (2) of his employees, Eric Chasse and Michael D. Jennings, installing a ductless air conditioning system at the above mentioned location. Mr. Chasse and Mr. Jennings hold no licenses to perform this type of work and are not registered apprentices with the State of RI. This is two (2) violations of the above referenced RI General Law 28-27-5.1.

Mr. Jean does hold a valid RI Refrigeration journeyman 1 license. Mr. Jean does not hold a RI Refrigeration Master 1 or 2 license to conduct this type of business in the State of RI. This is one (1) violation of the above referenced RI General Law 28-27-5.

Also, no permit was issued with the town of Cranston. This is one (1) violation of the above referenced RI General Law 28-27-20. This is four (4) violations at \$ 500.00 each. Total \$ 2,000.00.

Nick Ranone, Chief Mechanical Investigator, is sworn in for testimony.

Sean Nolan, Implementation Aide for DLT, is sworn in for testimony. The Board questions Mr. Nolan regarding notice of today's hearing to the respondent. Notice today's hearing was sent to June 14, 2013 to Michael Jean, 67 Wilbur St Apt 1, Fall River, MA 02724. According to the Postal Service website, notice was delivered on June 18, 2013. There is no record of the notice sent by regular mail having been returned. Notice was sent by both certified and regular mail.

Stan Davies addressed the Board. Mr. Davies noted that the building is not in the city of Cranston as stated in the violation. It is in the City of Warwick and there was still no permit pulled.

The Board questions Nick Ranone.

Charles Wright made a motion regarding Violation 4462, Michael Jean, that there was indeed a violation; seconded by Tim Byrne and passed unanimously by the Board.

On Violation 4462, in reference to the fine under RIGL 28-27-24 of \$2,000.00, Charles Wright made a motion that the fine be upheld; seconded by Bobby Joe Harris and passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

Power Technologies Inc, Mark Weiland – Violation 4529:

A representative from Power Technologies Inc does not appear. Mark Weiland does not appear.

Having previously been sworn, the Board questions Sean Nolan regarding notice of today's hearing. The US Postal Service confirms delivery on June 19, 2013 of notice mailed on June 14, 2013 to 520

West Shawnee Ave, Plymouth, PA.

Having received notice, Tim Byrne made a motion to move forward after proper notification; seconded by Michael Januario and passed unanimously by the Board.

Having previously been sworn, Nicholas Ranone reads the violation.

Date Written: 2/18/2013; Violation # 4529

Name of Violator: Power Technologies Inc, Mark Weiland, 520 West Shawnee Ave, Plymouth, PA 18651

Location of Violation: Family Dollar Stores 214 Taunton Ave. E. Providence, RI 02914

Violation: On 2-14-2013, Power Technologies contracted and did have two (2) of their employees, Randy Berger and Michael D. McDonnell, engaging in the replacement of one (1) packaged rooftop HVAC unit at the above mentioned location. Mr. Berger or Mr. McDonnell do not hold any license in the State of RI to do this type of work. This is two (2) violations of RIGL 28-27-28 Practices for which a license is required.

Power Technologies is not a licensed contractor with the State of RI. This is one (1) violation of RIGL 28-27-5 Practices for which master or contractor license required.

No permit was issued with the City of East Providence. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

The fine is \$2,000.00 (4 violations @ \$500.00 ea).

The Board questions Nick Ranone.

Tim Byrne made a motion pertaining to Violation 4529 against Power Technologies that the violation of RIGL 28-27-28, RIGL 28-27-5 and RIGL 28-27-20, based on the violation presented, the violation did in fact occur; seconded by Dennis Brennan and passed unanimously by the Board.

Pertaining to the fine for Violation 4529, Tim Byrne made a motion that the fine of \$2,000.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

Bienvenido Rodrigues DBA Central Street Contractors – Violation 4564:

Bienvenido Rodrigues DBA Central Street Contractors does not appear. There is no one present representing the company.

Tim Byrne inquired if respondent had been properly notice. Sean Nolan, Implementation Aide for the Department, having previously been sworn in for testimony, informed the board that notice was sent to Bienvenido Rodrigues at 24 Richland Avenue, Central Falls on June 18, 2013 for today's hearing by both certified and regular mail. The certified mail was delivered on June 22, 2013 and there is no knowledge of the regular mail being returned.

Charles Wright made a motion to move forward on the violation; seconded by Quinlan T. Regan and Dennis Brennan and passed unanimously by the Board. The hearing proceeds.

Having previously been sworn, Nicholas Ranone reads the violation.

**Date Violation Written: 3/18/2013; amended for the address on 4/3/13;
Violation #: 4564**

Name of Violator: Bienvenido Rodriguez DBA Central Street Contractors, 24 Richland Avenue, Central Falls, RI 02863

Location of Violation: Leonard Rounds Jr.71 Lincoln Ave Central Falls, RI 02863

Violation: In March 2009, Bienvenido Rodriguez contracted and engaged in the installation of three (3) Samsung Quietside hot water boilers at the above mentioned location. Mr. Rodriguez is not licensed to do this type of work in the State of RI. This is two (2)

violations of RIGL 28-27-5 Practices for which master or contractor license required.

A permit was issued with the City of Central Falls, but was issued under someone else's license. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Three violations @ \$500.00 ea. Total \$1500.00.

The Board questions Mr. Ranone. There is discussion.

Pertaining to Violation 4564, Tim Byrne made a motion that Practices for which master or contractor license required, RIGL 28-27-5, and lack of a permit under RIGL 28-27-20, by the information presented, the violation did in fact occur; seconded by Charles Wright and passed unanimously by the Board.

Regarding the fine, Tim Byrne made a motion that the fine for Violation 4564 be upheld for \$1,500.00; seconded by Charles Wright and passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

Tim Byrne addressed the board as to, with 3 Samsung Quietside boilers installed, whether a sheet metal license would have been required at the time and if 3 permits were needed, should the board

look at issuing additional violations and maybe making a recommendation to other boards if any permits were not pulled regarding electrical.

There is discussion on the permit.

Tim Byrne made a motion requesting Nick Ranone to research the statute of limitations and additional violations and report back at the next Board meeting; seconded by Charles Wright and passed unanimously by the Board.

Platinum Home Services – Violation 4623:

Jeffrey Henson, owner of Platinum Home Services, is present and sworn in for testimony. Nick Ranone, Investigator, was previously sworn in for testimony.

Nicholas Ranone reads the violation.

Date: May 10, 2013; Violation # 4623

Name of Violator: Platinum Home Services, 930 New Boston Rd, Fall River, MA 02722

Location of Violation: Arthur Jochmann 26 Sagamore Rd. Cranston, RI 02920

Violation: On four (4) different occasions 9-26-2012, 10-29-2012,

1-9-2013 and 1-18-2013, Platinum Home Services contracted for and engaged in the service and repair of a hot water boiler at the above mentioned address. Platinum Home Services does not hold the proper license to do this type of work in the State of RI.

This is two (2) violations of RIGL 28-27-5 Practices for which master or contractor license required.

Two (2) violations at \$500.00 each. Total \$1000.00.

The Board questions Mr. Ranone.

Jeff Henson, owner of Platinum Home Services, provides testimony. The Board questions Mr. Henson.

Nick Ranone addressed the Board.

Pertaining to Violation 4623 Tim Byrne made a motion that violation of RIGL 28-27-5 did occur based on testimony provided today; seconded by Dennis Brennan and passed unanimously by the Board.

Tim Byrne made a motion that the fine of \$1,000.00 for violation of RIGL 28-27-5 be upheld; seconded by Charles Wright and Dennis Brennan and passed unanimously by the Board.

Tim Byrne made a motion that Mr. Ranone look further into the

advertisement of Platinum Home Services and report back to the board next month for any possible further violations. The motion was seconded by Bobby Joe Harris. There was no opposition.

The recommendation will be forwarded to the Director's office.

Mr. Henson addressed the Board. There is discussion.

Board member, Quinlan T. Regan exits at 9:46am

Everett C. Brown – Violation 4636:

Everett C. Brown is present and sworn in for testimony.

Nicholas Ranone reads the violation.

Date: 6/18/2013; Violation # 4636

Name of Violator: Everett C. Brown, 302 Leahs Lane, Blairsville, GA 30512-0533

Location of Violation: Codac 349 Huntington Ave. Providence, RI 02909

Violation: On 1-21-2013, I, Nicholas D. Ranone received a complaint from Edward L. Rondeau of Codac, against Everett C. Brown, that on 10-18-2012, Everett C. Brown, Master Pipefitter 1 (#00001260) did take

a permit out with the State of RI, permit # 1018 for the installation of one (1) 700,000 BTU hot water boiler at the above mentioned address.

The mechanical permit was taken out for Edward Inscoe (EM Handyman) who contracted and engaged in the installation for Codac, 349 Huntington Ave, Providence, RI 02909.

No permit was taken out with the City of Providence.

This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

The Board questions Nick Ranone.

Everett C. Brown addressed the Board and provided testimony. The Board questions Mr. Brown.

The Board continues questioning Mr. Ranone and Mr. Brown. Mr. Ranone asks questions of Mr. Brown. The Board continues questioning Mr. Brown and Mr. Ranone.

Tim Byrne made a motion regarding Violation 4636, that a violation of RIGL 28-27-20 based on testimony presented today, did in fact occur; seconded by Jack King and passed unanimously by the Board.

Regarding the fine for Violation 4636 for violation of 28-27-20, Tim Byrne made a motion that the fine of \$500.00 be upheld. Jack King

seconded the motion. The vote was 5 in favor (Dennis Brennan, Tim Byrne, Bobby Joe Harris, Michael Januario and Jack King) and 1 opposed (Charles Wright). Motion carries.

Quinlan T. Regan had left the meeting and did not participate in any voting.

The recommendation will be forwarded to the Director's office.

Everett C. Brown – Violation 4541 Revocation Hearing:

Everett C. Brown and Nicholas Ranone were previously sworn for testimony. Nicholas Ranone reads the violation.

Date: 6/18/13; Violation #4541 Notice of Revocation of License Hearing / Imposition of Penalties

Name of Violator: Everett C. Brown; 302 Leahs Lane, Blairsville, GA 30512-0533

Location of Violation: Codac 349 Huntington Ave Providence, RI 02909

On 1-21-2013, I, Nicholas D. Ranone, received a complaint from Edward L. Rondeau of Codac, against Everett C. Brown, that on 10-18-2012, Everett C. Brown, Master Pipefitter 1 (#00001260) did take a permit out with the State of RI, permit # 1018, for the installation of

one (1) 700,000 BTU hot water boiler at the above mentioned address.

The mechanical permit was taken out for Edward Inscoe (EM Handyman) who contracted and engaged in the installation for Codac 349 Huntington Ave, Providence, RI 02909.

This is three (3) violations of the below referenced RIGL 28-27-21 Grounds for Revocation of License (3), (4), (6).

RIGL 28-27-21 (3) Knowingly hiring, directly aiding or assisting any person to engage in the work specified for a pipefitter or refrigeration/air conditioning or fire protection sprinkler contractor/sprinkler fitter master or journeyperson or sheet metal contractor or journeyperson sheet metal worker when that person does not have a license as provided in this chapter.

RIGL 28-27-21 (4) Willfully and fraudulently loaning his or her license to any other person for the purpose of permitting that person to engage in any work in violation of this chapter.

RIGL 28-27-21 (6) Willfully violating any of the provisions of this chapter including the rules, regulations and licensing criteria guide promulgated under this chapter.

A hearing will be held on Wednesday, August 7, 2013 at 9:00am at the RI Department of Labor & Training, 1511 Pontiac Avenue, Building 70, 2nd Floor Conference Room, Cranston, RI 02920. Failure to appear may result in the revocation of Pipefitter Master 1 license #00001260.

Evidence is submitted:

Exhibit A - A letter from Assistant Director, Joseph R. Degnan

Jack King requests EM Handyman invoices and State Boiler Permit be entered as exhibits. The following are entered as exhibits:

Exhibit B – Copy of State Boiler Permit

Exhibit C – EM Handyman Invoice (4/16/12)

Exhibit D – EM Handyman Invoice (April '12)

Exhibit E – EM Handyman Invoice (5/1/12)

Exhibit F – EM Handyman Invoice (4/17/12)

Exhibit G – EM Handyman Invoice (4/9/12)

The Board reviews exhibits.

The Board questions Nick Ranone and Everett C. Brown.

There is discussion.

Pertaining to Violation 4541, which is a violation of RIGL 28-27-21 Grounds for Revocation of License, based on testimony presented today and the information provided into evidence today, Tim Byrne made a motion that a violation did in fact occur. Mr. Byrne defers to Legal Counsel before completing his motion. Tim Byrne states his motion that a violation of RIGL 28-27-21 (3), RIGL 28-27-21 (4) and RIGL 28-27-21 (6) did in fact occur and a recommendation for revocation should be presented to the Director. The motion is seconded by Dennis Brennan. Charles Wright abstained from voting.

There was no opposition. Motion passed.

There is discussion. Mr. Brown addressed the Board.

Pertaining to Violation 4541, Tim Byrne made a motion that the fine be upheld and sent to the Director. Seconded by Dennis Brennan. The vote was three (3) In Favor: Tim Byrne, Dennis Brennan and Bobby Joe Harris; and three (3) Opposed: Michael Januario, Jack King and Charles Wright. There being a tie, Stan Davies, Board Chair, also voted and opposed the fine. With a vote of 3 In Favor and 4 Opposed the motion did not pass.

Having left the meeting, Quinlan T. Regan did not participate in any voting.

There is discussion. Mr. Brown inquired of a reduction in license.

The recommendation will be forwarded to the Director's office.

End of hearings.

5. – Joseph Benoit – Petition Board to sit for Pipefitter exam:

Joseph Benoit addressed the Board. Mr. Benoit would like to acquire a pipefitter license and requests to sit for pipefitter test. Mr. Benoit is a Master Plumber. Mr. Benoit states his goal is to obtain the master

license so he can take the test in Massachusetts.

The Board questions Mr. Benoit. Mr. Benoit states he did not serve a pipefitter apprenticeship. Mr. Benoit informs the Board of his education.

Nick Ranone, Chief Mechanical Investigator, informs the Board that Mr. Benoit had a previous Plumbing violation issued 3/24/2004 that was paid. Mr. Ranone also informs the Board of an outstanding Mechanical fine issued 3/23/2004 of \$1,500.00 that has not been paid. Mr. Ranone reads the violation to the Board.

Charles Wright made a motion, knowing our licensing requires an apprenticeship; Mr. Benoit has not produced any proof of an apprenticeship time being served, other than some schooling from New England Tech. Charles Wright made a motion that the request be denied under the letter of the law which requires apprenticeship time to be served. Mike Januario seconded the motion. The motion passed unanimously.

Mr. Benoit inquired about credit for time toward an apprenticeship.

There is discussion.

6. – ADJOURNMENT: A motion to adjourn was made by Charles

Wright; seconded by Michael Januario and passed unanimously by the Board. The meeting adjourned at 10:51am.